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INVENTOR OFFICE
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In re Application of
Arunachalam et al.
Application No. 09/303,718
Filed: April 30, 1999
For: SCALABLE HIGH SPEED ROUTER
APPARATUS

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is in response to the Request for Reconsideration, filed March 30, 2004 via facsimile submission. The request for reconsideration is in response to the decision mailed February 26, 2004 (paper No. 8) which denied the original Petition to Withdraw Holding of Abandonment pursuant to MPEP §711.03(c)(II) and 37 C.F.R. § 1.181(a) (paper No. 7). The No fee is required.

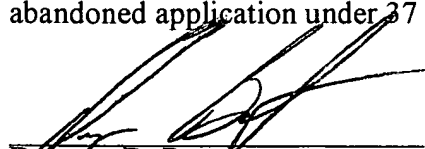
On June 5, 2002, a non-final Office action was mailed (paper No. 4) in the subject application. A response from Applicants was not received and matched with the file. On November 10, 2003, a Notice of Abandonment was mailed (paper No. 5).

The original petition (paper No. 7) was denied as the petitioner not providing a sufficient showing of non-receipt of the non-final Office action (paper No. 4, mailed June 5, 2002). Specifically, the petition lacked a statement *from the practitioner* of record (at the time of mailing the Office action), indicating: (1) that the non-final Office action (paper No. 4, mailed June 5, 2002) was not received, (2) a statement attesting to the fact that a search of the file jacket and docket records indicates that the non-final Office action was not received and (3) reference to attached docketing records within practitioner's statement.

Within the subject Request for Reconsideration, a declaration was provided by Keith D. Nowak, Practitioner of record. The declaration by Keith D. Nowak is deficient. The declaration provides a statement that the Office communication was not received and also references the docket record. However, the declaration does not provide a statement from the Practitioner of record which indicates that they personally searched the file jacket and docket records. Instead, the declaration states "If an Office Action had been received, it would have been docketed and given to me for a reply." This is insufficient to meet the second requirement of MPEP §711.03(c) section II.

For the above reasons, the Request for Reconsideration is **DENIED**.

Petitioner alternatively requests that the Request for Reconsideration be considered as an Unavoidable abandonment, presumably pursuant to 37 C.F.R. §1.137(a). The application will be forwarded to the Office of Petitions for the alternative consideration as a Petition to revive an abandoned application under 37 C.F.R. §1.137(a).


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